

REMARKS

Reconsideration is respectfully requested in light of the foregoing Amendment and remarks that follow:

The Examiner is thanked for his indication of allowable subject matter.

Withdrawal of the rejection based on anticipation by Sebesta (2,844,912) is requested. It is submitted that the Claims, as amended, do not read on Sebesta because Amended Claim 1 refers to the following features that are not shown in the prior art identified, including in combination:

- a substantially vertical shaft means;
- the shaft means supports the receptacle in an "elevated position relative to a bottom wall of the aquarium;
- the receptacle extend beyond the shaft means such that the opening defines an area permitting entry into the interior of the receptacle.
- It is also submitted that it would not have been obvious to modify Sebesta to provide the subject matter of Amended Claim 1.

New Claim 20 has been added to include the limitations of the original Claims 1-5.

Examiner is asked to note that certain amendments have been made to Allowed Claims 13 and 19 to respond to Examiner's informality objections, and in the case of Claim 13 remove the reference to "adapted".

Information Disclosure Statement

A formal Information Disclosure Statement is attached.

Conclusion

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the application to be in allowable condition or believe that a conference call would be of value in expediting the prosecution of the application, Applicants request that the Examiner telephone the undersigned Counsel to discuss the case.

Applicant requests an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Yours faithfully,



Agent for Applicant
Eugene J.A. Gierczak
(Registration NO. 31,690)
MILLER THOMSON LLP
Barristers & Solicitors
20 Queen Street West, Suite 2500
Toronto, Ontario Canada M5H 3S1
Telephone No. 416.596.2132
Telecopier No. 416.595.8695
EJAG/ADF/mg
Encl.